

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

KEVIN L. WILSON and DANA WILLIAMS WILSON

PLAINTIFFS

VS.

CIVIL ACTION NO. 5:18-cv-00080-DCB-MTP

PHILIP WEST, Individually and in his Official Capacity
as Vice-President of the Natchez-Adams School District;
JACQUELINE L. MARSAW, Individually and in concert
with Defendant, PHILIP WEST, NATCHEZ-ADAMS
SCHOOL DISTRICT BOARD OF TRUSTEES, Amos
James, Philip West, Thelma Newsome and Brenda Robinson,
Individually and in their Official Capacities and in concert
With Defendant, Philip West; and JOHN DOES NOS. 1-10

DEFENDANTS

MOTION FOR LEAVE TO WITHDRAW AS CO-COUNSEL

COMES NOW, Paul A. Koerber, one of the Attorneys for the Plaintiffs, Kevin L. Wilson and Dana Williams Wilson, and files this his Motion for Leave to Withdraw as Co-Counsel for the Plaintiffs, in the above styled and numbered cause, in accordance with Rules 7(b) and 83.1(b)(3) of the *Uniform Local Civil Rules of Procedure of the United States District Courts for the Northern and Southern Districts of Mississippi*; and in support hereof, the undersigned would state and show unto the Court, the following, to-wit:

1. On June 22, 2017, the undersigned counsel for the Plaintiffs, Paul A. Koerber, suffered a myocardial infarction (*i.e.*, heart attack), which required the implantation of two cardiac stents. This medical condition was subsequent to an acute cardiac syndrome event which had occurred in 2006 and had required the implantation of a cardiac stent, as well.

2. Subsequent to the events of June 22, 2017, his treating cardiologist for the undersigned counsel recommended that he take all action necessary to reduce the stress of his occupation.
3. More recently, on May 29, 2019, his treating ophthalmologist informed the undersigned counsel that glaucoma has resulted in damage to the optic nerve of Mr. Koerber, and he has undergone further testing and evaluation to confirm this condition, which has required medication to reduce his eye pressure and which likewise affects his blood pressure.
4. Based upon the above and foregoing conditions, the advice of his treating physicians, and based upon consultation with family and clients, including the Plaintiffs, Kevin and Dana Wilson, Mr. Koerber has determined that it is in the best interests of himself, his family and his clients that he apply to the Mississippi Bar for inactive status. On August 1, 2019, the undersigned counsel was placed on inactive status with the Mississippi Bar. The Plaintiffs have consented to counsel's withdrawal in this and other cases in which Mr. Koerber had previously represented them.
5. Furthermore, based on the above and foregoing circumstances and based upon the undersigned counsel's retirement and inactive status with the Mississippi Bar, said counsel has moved from the United States to his retirement home in the Caribbean, where he currently resides with his wife.
6. Specifically, with respect to these proceedings, the undersigned counsel has had several meetings with the Plaintiffs, Kevin and Dana Wilson, and with counsel, Arthur F. Jernigan, Jr., and his associate F. Russ Brabec, regarding all aspects of these proceedings. Indeed, Mr. Jernigan has been engaged in these proceedings since shortly after its

commencement. Moreover, Mr. Jernigan's vast experience in the subject fields of law provides the Plaintiffs with impeccable representation in this matter. Therefore, withdrawal of the undersigned counsel will not detract from any aspect of these proceedings.

7. Therefore, the undersigned counsel hereby seeks leave to withdraw from these proceedings, and in accordance with *Uniform Local Civil Rule* 83.1(b)(3), he hereby submits separately a proposed order to the Court for consideration. As noted above, despite the fact that the undersigned counsel is currently residing outside the United States and in the Caribbean, this motion is hereby filed electronically and served upon all counsel of record and the Plaintiffs.

WHEREFORE, PREMISES CONSIDERED, Paul A. Koerber, one of the Attorneys for the Plaintiffs, Kevin and Dana Wilson, would respectfully move this Court for leave to withdraw as counsel, with the designation of co-counsel, Arthur J. Jernigan, Jr., as lead counsel for the Plaintiffs. Otherwise, the undersigned counsel requests such other relief as the Court may deem appropriate.

Respectfully submitted, this the 27th day of September, 2019.

KEVIN L. WILSON and DANA WILLIAMS WILSON
Plaintiffs

BY: /s/ Paul A. Koerber
PAUL A. KOERBER, ESQ.

CERTIFICATE OF SERVICE

I, Paul A. Koerber, do hereby certify that I have this day served, via the Court's ECF system and via electronic mail, a true and correct copy of the above and foregoing Motion for Leave to Withdraw as Co-Counsel, in accordance with Rule 5 of the *Federal Rules of Civil Procedure* upon all counsel of record and the Plaintiffs:

Randall E. Day, III, Esq.
J. Tucker Mitchell, Esq.
Mitchell Day Law Firm, PLLC
618 Crescent Blvd., Suite 203
Ridgeland, MS 39157

Everett T. Sanders, Esq.
Aisha A. Sanders, Esq.
Sanders Law Firm, PLLC
P. O. Box 565
Natchez, MS 39121

Kevin and Dana Wilson
1210 Main Street
Natchez, MS 39120

SO CERTIFIED this the 27th day of September, 2019.

/s/ Paul A. Koerber
PAUL A. KOERBER, ESQ.

Paul A. Koerber, Esq. [Retired/Inactive]
Koerber Law Firm, PLLC
P. O. Box 184
Biloxi, Mississippi 39533
Telephone: (228) 436-0022
Mississippi Bar No. 4239
Email: Koerberlaw@gmail.com

Arthur F. Jernigan, Jr., Esq. (Mississippi Bar No. 3092)
Jernigan Copeland Attorneys, PLLC
587 Highland Colony Parkway (39157)
Post Office Box 2598
Ridgeland, Mississippi 39158
Telephone: (601) 427-0048
Email: ajernigan@jclawfirm.com